

happening on the Senate floor, it could not be clearer.

The real losers last night were the American people. We, on the Senate floor, know that the discretion of regulators needs to be curtailed. We know that reform can be achieved in a way that fosters our health, safety, and environmental goals. S. 343 is, in fact, such a bill. But unfortunately, that was not quite clear enough last night.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, July 20, the Federal debt stood at \$4,935,796,845,291.29. On a per capita basis, every man, woman, and child in America owes \$18,736.37 as his or her share of that debt. Well before the end of the year, the Federal debt will pass the \$5 trillion mark.

REGULATORY REFORM

Mr. GLENN. Mr. President, throughout the continuing debate on regulatory reform a number of things have become very clear:

First, the vast majority of Members of the Senate want regulatory reform—the speeches, the floor debates, the combined totals of the votes for reform of one kind or another show that Democrats and Republicans alike want regulatory reform.

Second, despite bipartisan refusal to accept the majority leader's bill, there is bipartisan support for tough regulatory reform legislation as shown by the 48-to-52-vote to substitute the Glenn-Chafee bill—a bill based on the bipartisan work of the Governmental Affairs Committee—for the Dole-Johnston bill.

Third, despite the majority leader's disappointment in his failure to gain acceptance for his proposal, there continues to be wide support for continuing to negotiate cooperatively to come up with a workable reform bill. We have made good faith efforts throughout this debate: we have come to the table on three different occasions with the proponents of the Dole-Johnston substitute; we have written lists of issues and have provided legislative language to address our concerns. The latest round of these efforts to provide our responses to some of their proposals was yesterday—just an hour before the third cloture vote. These lists were not new inventions of new problems, but a consistent, continuing set of concerns. Our list of concerns has narrowed as negotiations have progressed. We have not, as some Members have alleged, invented new problems merely to delay or confuse the debate.

Fourth and finally, in the heat of this debate, in what seems to be a part of the desperation of a few to make the best of a bad situation, some unfortunate and misleading statements have been made about our bill. I am very disappointed, and in fact surprised, by

the statements of Senator ROTH. We worked together in the Governmental Affairs Committee to make his regulatory reform bill, S. 291, into a strong bipartisan bill that could be and indeed was supported by every member of the Committee—8 Republicans and 7 Democrats. Just when the Wall Street Journal was unfairly and inaccurately characterizing the Roth bill as “a do-nothing bill” as it did on April 27, 1995, Senator ROTH and I were working together and agreeing that we had a tough but fair bill that could gain the support of the Committee and should be the bill that could and should pass the full Senate.

Last week he made charges against the Glenn-Chafee bill with regard to risk assessment provisions, saying that we took the National Academy of Sciences “minority views” by preferring “default assumptions to relevant data.” As I pointed out on the floor, that was not correct. Our bill says to use default assumptions when relevant data are lacking. And our bill requires agencies to put out guidelines in refining default assumptions and replacing those assumptions with real data. Clearly, our bill does not give a preference to assumptions over data.

Yesterday, and this is the reason I return to the floor today to set the record straight, he said the Glenn-Chafee bill is “toothless”—yes, just the word the Wall Street Journal used to attack him a few months ago, that it is completely different from the Roth-Glenn bill that came out of the Governmental Affairs Committee, and that it has a completely different thrust.

It is also ironic that my colleague from Delaware now so clearly defends the S. 291 review process, stating on July 17 on the floor, “Although the original Glenn bill was similar to the Roth bill, the current Glenn substitute seriously differs from the Roth bill * * * Senator Glenn has seriously weakened the review of rules * * * The revised Glenn substitute lacks any firm requirement about the number of rules to be reviewed.” However, in his “Dear Colleague” letter on July 11 he states, “S. 291—and S. 1001—has substantial administrative difficulties. They require every major rule to be reviewed in a 10-year period, with a possible 5-year extension, or be subject to termination. * * * It would be very burdensome to review all existing major rules—unduly burdensome when nobody is complaining about many of them.” He calls us weak for not sticking to the Roth bill, and then calls the Roth bill “unduly burdensome.”

I can understand loyalty, but I am surprised at the degree to which my colleague has turned away from his earlier, commendable reform efforts. He has now put himself in the strange position of attacking many of the same provisions he so enthusiastically supported just a few short months ago.

Yesterday, I insisted that the Glenn-Chafee bill is based on the Roth-Glenn bill, S. 291, and that the Glenn-Chafee

bill is largely identical with S. 291. In fact, the Glenn-Chafee bill differs from S. 291 in only three major ways to match S. 1001 and a few lesser ways in order to match amendments to the Dole-Johnston bill. Senator Roth, on the other hand, said “what we voted for in Committee was entirely different from what we voted for on the floor in the Glenn substitute.” For the record, I would like to provide a comparison of the two bills, and as the RECORD will show, most of the sections are identical. To reiterate, we made three changes, and we made additional changes to match amendments to the Dole-Johnston bill.

First, the Glenn-Chafee substitute, which was voted for by 48 Senators, is a slight modification of S. 1001, which I introduced with Senator Chafee. S. 1001 differs from S. 291 on only three major points:

It does not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process.

It does not include any narrative definitions for “major” rule—such as “adverse effects on wages”.

It incorporates technical changes to risk assessment to track more closely the approach of the National Academy of Sciences and to cover specific programs and agencies, not just agencies.

Second, in the weeks since introduction of S. 1001, negotiations and debate have resulted in common agreement on improvements, both to the Dole-Johnston and the Glenn-Chafee proposals. Accordingly, the final version of Glenn-Chafee, which again was supported by a bipartisan vote of 48 Senators, contains some additional changes. Most of these are also found in the Dole-Johnston bill, which Senator Roth now supports. So I find it difficult to understand how the Senator from Delaware can criticize these changes.

Mr. President, I ask unanimous consent that a comparison of the two bills be printed in the RECORD.

There being no objection, the comparison was ordered to be printed in the RECORD; as follows:

SECTION BY SECTION COMPARISON OF GLENN- CHAFEES AND ROTH-GLENN

Section 1. Title.

Section 2. Definitions—identical.

Section 3(a). Analysis of Agency Rules.

Subchapter II. Cost-Benefit Analysis.

Section 621. Definitions—identical but for changes made in Dole/Johnston.

Section 622. Rulemaking cost-benefit analysis—identical except for changes made in the Dole/Johnston bill; the time limit for determining a major rule after publication of a proposed rule; and the effective date for initial and final cost-benefit analysis (does not cover rules in the pipeline).

Sec. 623. Judicial Review—identical but for clarification in 623(e).

Sec. 624. Deadlines for Rulemaking—identical.

Sec. 625. Agency Regulatory Review. As already noted, S. 1001 modified the S. 291 review process so as to not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process. Also struck provision

that allows the President to select rules for review and to track changes made in the Dole/Johnston bill.

Sec. 626. Public Participation and Accountability—identical.

Sec. 627. Conflict of Interest Relating to Cost-Benefit Analyses and Risk Assessments. Added the Pryor-Feingold floor amendment also accepted as an amendment to the Dole/Johnston bill.

Subchapter III. Risk Assessment

Sec. 631. Risk Assessment Definitions—same as the Dole/Johnston bill, except modification of "screening analysis."

Sec. 632. Risk Assessment Applicability. Changed applicability of risk assessment requirements from all agencies to agencies concerned with environment, health, or safety.

Sec. 633. Risk Assessment Savings Provision—struck (2).

Sec. 634. Principles for Risk Assessments. Incorporates technical changes to risk assessment, reducing prescriptive language. Also combined "principles for risk assessments" (Roth section 635) and "principles for risk characterizations" (Roth section 636).

Sec. 635. Peer Review—Identical except for changes made in the Dole/Johnston bill.

Sec. 636. Risk Assessment Guidelines, Plan for Assessing New Information, and Report—identical.

Sec. 637. Research and Training in Risk Assessment—identical.

Sec. 638. Risk Assessment Interagency Coordination—identical.

Sec. 639. Plan for Review of Risk Assessments—identical.

Sec. 640. Risk Assessment Judicial Review—identical.

Sec. 640a. Risk Assessment Deadlines for Rulemaking—identical.

Subchapter IV. Executive Oversight.

Sec. 641. Executive Oversight Definition—identical.

Sec. 642. Executive Oversight Procedures—identical.

Sec. 643. Promulgation and Adoption of Executive Oversight Procedures—identical.

Sec. 644. Delegation of Authority for Executive Oversight—identical.

Sec. 645. Public Disclosure of Information with Regard to Executive Oversight—identical.

Sec. 646. Judicial Review of Executive Oversight—identical.

Sec. 3(b) Regulatory Flexibility—identical.

Sec. 611. Judicial Review of Regulatory Flexibility Act Decisions—identical.

Sec. 3(c) Presidential Authority—identical.

Sec. 4. Congressional Review.

Sec. 801. Congressional Review of Agency Rulemaking—identical.

Sec. 5. Studies and Reports—identical.

Sec. 6. Risk-Based Priorities—Identical but for agreed upon changes made on the floor with Senator Roth and others to the Dole/Johnston bill.

Sec. 7. Regulatory Accounting—identical.

Sec. 8. Effective Date—Added at the end "and shall apply to any agency rule for which a general notice of proposed rulemaking is published on or after such date."

THE THAI-CAMBODIAN TIMBER TRADE

Mr. THOMAS. Mr. President, this last Monday I chaired a hearing of the full Foreign Relations Committee to consider ambassadorial nominations for four countries within the jurisdiction of my Subcommittee on East Asian and Pacific Affairs: Cambodia, Indonesia, Malaysia, and Thailand. I was impressed by all of them, and am

sure they—as well as the Ambassador-designate to APEC—will be confirmed by the full Senate soon. In speaking privately with all the nominees, however, there was one issue I brought up with both the Ambassador-designate to Thailand and the Ambassador-designate to Cambodia that they were unable to address to my satisfaction and which I believe should be brought to the attention of my colleagues: the links between the Thai military and the Khmer Rouge and their involvement in the illegal timber trade across the Thai-Cambodia border.

Cambodia shares a lengthy and relatively uninhabited border with Thailand. The entire region is heavily forested; formerly, 76 percent of Cambodia's 176,520 square kilometers of land area was covered by forest. That amount, however, has declined dramatically over the last 15 years due to the increased commercial harvesting of timber. According to some sources, tree cover has been reduced by almost half since 1989. The loss has been especially dramatic in western Cambodia, where a handful of foreign firms are responsible for a majority of the deforestation.

These companies purchase concessions from the Cambodian Government, and theoretically make payments to the government based on the amount of cubic meters of timber felled. The timber is then exported over the Thai border, either by boat or overland on dirt roads built expressly for that purpose by the companies, where they are collected at places called rest areas before being sent further on into Thailand. According to both Thai and Cambodian regulations, the logger/exporter must secure a certificate of origin from the Cambodian Government, a permit from the Thai embassy in Cambodia, and permission from the Thai Interior Ministry to import the logs into Thailand.

There is one more party, however, that plays a major role in the logging: the Khmer Rouge [KR]. Led by the infamous Pol Pot, the KR controlled the government of Cambodia from 1975 to 1979. During that time, it was directly responsible for the genocide of more than one million Cambodians in the "Killing Fields." Since the 1991 U.N. peace agreement established a democratic government in Cambodia, the KR has been relegated to the role of a rebel guerilla force. Although the government has made some inroads in combatting the KR, including implementing a somewhat successful amnesty program, the KR remains a strong force in the western khet of Batdambang, Pursat, Banteay Meanchey and Siem Reap. Despite the campaign being mounted against them, though, they still receive a steady flow of food, military supplies, and currency sufficient to pay their 10,000 to 20,000 man militia; and therein lies the connection to the timber trade and the Thai military.

Over the past several years, the press has consistently reported that the Thai military has been providing assistance and support to the Khmer Rouge. The links between the two are longstanding. Beginning in 1979, Thailand acted as a funnel for Chinese-supplied arms being transshipped to the KR—apparently in return for an end to Chinese support for rebel Thai Communists in northern Thailand. Since then, the evidence suggests that the Thai have regularly supplied the KR with logistical support and materiel. In return for this support, Thai business interests and certain government sectors have benefitted from access to timber and gem resources within that part of Cambodia along the Thai border controlled by the KR. Their interest is sizable; in 1993, the U.S. Embassy in Thailand estimated that Thai logging companies had some \$40 million invested in timber concessions in KR-held areas.

It is from the sale of these resources that the KR acquires funds sufficient to continue its reign of terror in Cambodia. The process is actually quite simple. Foreign companies interested in harvesting timber in western Cambodia purchase official lumber concessions from the government in Phnom Penh. Having dealt with the de jure government, however, the companies must then deal with the de facto government in western Cambodia: the KR. The companies pay the KR for the right of safe passage into KR-held territory, to fell the timber, and to transport it out to Thailand safely. The present going rate of payment to the KR per cubic meter is between 875 and 1,000 baht, or between \$35 and \$40. It is estimated that the weekly income to the KR from timber carried across just two of the many border points is around \$270,000, with total monthly income to the KR estimated at between \$10 and \$20 million.

Once felled and placed on the back of trucks, the logs are driven across the Thai border. That crossing, however, is not without its costs. The Thai military—the Marines, actually—controls a 4-mile wide strip along the Thai side of the border, and in order to negotiate it the logging trucks must pass through guarded checkpoints where, it appears, payments in the form of tolls or bribes are made to Thai concerns.

The Thai have consistently, albeit often disingenuously, denied any ties to the KR or to the timber trade. Each round of denials, however, is soon followed by press reports and concrete evidence to the contrary. For example, in 1994 Thailand officially closed its border with Cambodia partly as a result of the murder of more than 20 Thai timber workers by the KR and partly as a result of international criticism. In a press statement made shortly thereafter, Maj. Gen. Nippon Parayanit, the Thai commander in the region, stated flatly that the border was closed, that the military had severed all links with the KR, and that "there [was] no large-scale cross-border